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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,940	12/29/2000	Hong Cai	JP-1999-0279US (8728-464)	9013
22150 7590 01/22/2007 F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			EXAMINER BLAIR, DOUGLAS B	
			ART UNIT 2142	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/750,940

Applicant(s)

CAI ET AL.

Examiner

Douglas B. Blair

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/7/2006 has been entered.

Response to Arguments

2. Applicant's arguments filed 12/7/2006 have been fully considered but they are not persuasive. The applicant has two main arguments. First, the applicant argues that the basis for finding that the applicant's attempted amendment's to the specification to be new matter, are derived from the Examiner's mistaken belief that there must be a verbatim description between claims, disclosure and the drawings. Second, the applicant argues that Lonroth does not teach a platform kernel section for managing user information, device information, and service information and implied that the Examiner has not met the burden of establishing anticipation because the Examiner has recited over a hundred lines of text without any analysis of the claims.

3. As to the first argument, the Examiner is well aware that a verbatim description is not required in order to support an amendment but apparently the applicant did not bother reading and/or trying to understand what was written in the last office action because had the applicant understood the last office action it would be clear to the applicant that the Examiner is not saying that the amendment must be verbatim from the claims, drawings, and/or disclosure.

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4. As to the first part of the amendment to pages 10, line 10-page 11, line 3, the applicant was attempting to equate the “based on” with “managed by”. Clearly these two words have different meanings (As shown in the dictionary definitions provided for the applicant’s convenience). The applicant tried to say that the amended term “managed by” was supported by the originally claimed term “based on”. The last office action highlighted this distinction with bold-faced type but apparently the applicant did not understand that bold-faced type had significance.

5. As to the second part of the amendment, the previous office action clearly stated that the applicant was trying to establish a relationship that had previously not existed anywhere in the applicant’s disclosure. The applicant’s remarks do nothing to rectify this situation and do not even address what was clearly stated in the last office action. Similarly, the support for subject matter of the third and final part of the amendment has also not been shown by the applicant.

6. Since the applicant did not seem to understand the issues presented in the last office action, the Examiner will simplify the issue for the applicant. Should the applicant continue to insist upon the entry of these amendments to the applicant’s specification, the applicant should clearly show and explain exactly where in the original application that the amended subject matter is coming from and if necessary explain how the amended subject matter is supported. Should the applicant not meet this requirement and continue to insist upon entry of these amendments an independent Request for Information under CFR 1.105 will be sent out requiring such an explanation. See MPEP section 704.11(a).

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7. As to the arguments about the 35 USC section 112 1st paragraph rejection, they depend upon the amendments to the specification that are not being entered and are therefore not persuasive.

8. As to the applicant's second main argument that the Office action did not show a platform kernel section for managing user information, device information, and service information, this limitation is broad enough to read on any computer with an operating system. The applicant's specification never defines a platform kernel section so the claim is interpreted broadly. Since this is the only limitation argued by the applicant in claim 1, it is concluded that this is the novelty of the applicant's invention so it should not be hard for the applicant to explain what a platform kernel section is and where it is defined. Should the applicant persist in making the argument that Lonroth does not teach a platform kernel section and not show where the term is defined a request for information will be made, consistent with 704.11 (a).

Response to Amendment

9. The amendment filed 12/7/2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

10. The amendment to page 10, line 10-page 11, line 3 that states: "The synchronized service engine may provide synchronized requests ***managed by*** a session. The asynchronzied service engine may provide asynchronized requests ***managed by*** a queue." Though originally filed claim 4 stated that the "service engine may provide synchronized requests ***based on*** session and

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asynchronized requests ***based on*** queue”. The terms “managed by” and “based on” clearly have vastly different definitions thus the applicant cannot rely on claim 4 as supporting this new matter. The dictionary definitions of these words are provided to the applicant on the 892 form for the applicant’s convenience.

11. The amendment to page 6, lines 9-14 attempts to establish a relationship between the service abstraction layer and the service-platform layer when there never was one previously therefore this amendment constitutes new matter. Likewise, the attempts to establish a relationship between the device abstraction layer and the device-platform layer when there never was one previously also constitute new matter. Notice that the examiner is not arguing whether or not the descriptions of Figures 4 and 5 were swapped inadvertently but rather that the applicant is attempting to establish a relationships between the “service abstraction layer” and the “service-platform layer” that never existed in the claims, disclosure, and/or drawings previously. This also holds true for the “device abstraction layer” and the “service-platform layer”.

12. The amendment to page 9, line 19-page 10, line 2 is not supported by the applicant’s claims, specification, or drawings as asserted by the applicant. Specifically, the statements made by the applicant on page 9 of the applicant’s Remarks filed 12/7/2006 are not supported, as alleged, by page 6, lines 9-11 and page 9, lines 19-22 as alleged by the applicant. These cited portions appear to have no correspondence with the specification amendment.

13. Applicant is required to cancel the new matter in the reply to this Office Action.

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14. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

15. Claims 1 and 4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

16. As to claim 1, the applicant's disclosure never describes "a device-platform interface, for accepting device requests issued by devices wherein said device requests are in a device specific format, transforming the device requests into XML requests and then sending the XML requests to a platform kernel section, and transforming XML responses which are returned by the platform kernel section into the device specific format". The applicant's amendment to the specification filed 12/7/2006 is the only part of the specification that appears to describe such limitations and for reasons explained above it has not been entered and therefore cannot be relied upon for support by the claim language.

17. As to claim 4, the applicant's claim amendment relies directly on the amendment to the specification filed on 12/7/2006 that has not been entered and therefore cannot be relied upon by the applicant.

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18. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

19. Claims 1-2, 4, 6, and 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,826,597 to Lonroth et al..

20. As to claim 1, Lonroth teaches a pluggable service delivery platform for supporting many devices requesting many services in an e-business application, comprising: a device-platform interface, for accepting device requests issued by devices wherein said device requests are in a device specific format (**col. 3, line 63-col. 4, line 5 and Figure 2, the gateway 202 accepts requests from devices in the device's communication format**), transforming the device requests into XML requests (**col. 4, lines 6-11 and Figure 2, the pre-processor 240 translates the requests to XML**) and then sending the XML requests to a platform kernel section (**col. 4, lines 12-15, the XML requests are forwarded to the XML processor 242**), and transforming XML responses which are returned by the platform kernel section into the device specific format (**col. 4, lines 18-21, the post-processor 244 translates XML responses to the requesting entity's format**), said device-platform interface comprising; (1) a common transcoding section, for transcoding between the device specific format and XML (**the pre-processor 240 and the post-processor 244 are considered a "common transcoding section"**); and (2) a device dependent component, the device dependent component comprising device type and transmitting protocol information (**col. 5, lines 35-37, the configuration database 254**); and a service-

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platform interface, for abstracting service requirements of the services as a common base (**col. 6, lines 19-25, the XML gateways**), providing an adapter for each of the services based on the service requirements (**each XML gateway**), the adapter for transforming between service responses issued by the services and the XML responses (**col. 6, lines 26-47**); wherein the platform kernel section is for managing user information, device information and service information (**col. 6, line 1-col. 7, line 36, the XML processor manages all interaction between users, devices and services**), providing one of a synchronized and an asynchronized service engine, providing interfaces with modules in the platform kernel section, and transferring the XML requests and the XML responses among the modules and between services and devices (**col. 6, line 1-col. 7, line 36, Lonrath has an operating system and thus a platform kernel section. It provides at least one of synchronized or asynchronized service.**).

21. As to claim 2, Lonroth teaches a pluggable service delivery platform according to claim 1, wherein said platform kernel section further comprises three layers: a run-time layer, an administration layer, and a development layer; the run-time layer, the administration layer and the development layer are associated via a platform API; the run-time layer provides on-line information access (**col. 9, lines 25-59**), the administration layer is responsible for adding and deleting the user information, the device information and the service information (**col. 10, lines 27-59**), and the development layer provides support to new services and new devices (**col. 9, line 63-col. 10, line 23**).

22. As to claim 4, Lonroth teaches a pluggable service delivery platform according to claim 1, wherein said one of a synchronized and an asynchronized service engine provides

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synchronized requests managed by a session and asynchronized requests managed by a queue
(col. 6, line 1-col. 7, line 36).

23. As to claim 6, Lonroth teaches a pluggable service delivery platform according to claim 1, wherein said device-platform interface provides a corresponding gateway for each of the devices, for transforming the XML response into a file format which is adapted for the devices and transforming among communication protocols based on script languages of the devices stored in said device information **(col. 7, lines 40-49).**

24. As to claim 8, Lonroth teaches a pluggable service delivery platform according to claim 1, wherein upon the platform running, a new kind of device can be incorporated by adding a gateway in the device-platform interface and adding an item in said device information without changing service system at a back-end of the platform **(Adding to the pre-processor 240 and post processor 244 does not change the change the XML processor 242 or its gateways).**

25. As to claim 9, Lonroth teaches a pluggable service delivery platform according to claim 1, wherein upon the platform running, a new kind of service can be incorporated by adding an adapter in the service-platform interface and adding an item in said service information without modifying the programs at a front-end of the platform **(Adding to the XML gateways does not change the implementation of the pre-processor 240 and the post processor 244).**

Claim Rejections - 35 USC § 103

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent Number 6,826,597 to Lonroth et al..

28. As to claim 3, Lonroth teaches a pluggable service delivery platform according to claim 1 including an XML processor including a profile manager and a platform runtime monitor (**col. 9, line 25-col. 10, line 59**); however Lonroth does not explicitly teach the XML processor comprising: a billing interface.

29. The applicant states that the billing interface can be replaced by third party products on page 12, lines 9-16 of the applicant's specification. Therefore the billing interface is considered applicant admitted prior art in accordance with MPEP section 2129.

30. It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Lonroth regarding a pluggable e-business system with a well known third party billing interface because Lonroth teaches the use of commercial services such as FedEx and UPS (col. 6, lines 26-48) so it would be logical to bill for those services.

31. As to claim 5, Lonroth teaches a pluggable service delivery platform according to claim 3, wherein said profile manager is used for managing the user information, the service information and the device information (**col. 9, line 25-col. 10, line 59**).

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Conclusion

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is (571) 272-3893.

The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair

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